

HOUSE BILL No. 1429

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.1-33; IC 12-7-2; IC 12-10-1-7.

Synopsis: Grandparent visitation and elderly matters. Provides an income tax credit against a resident individual's Indiana adjusted gross income tax for certain parent care expenses. Specifies that the credit is 100% of the parent care expenses, the taxpayer's income tax liability, or \$5,000, whichever is least. Requires the bureau of aging to: (1) collaborate with nonprofit community based agencies to develop a grant proposal for submission to potential funding sources to establish grandparent visitation and elderly kinship care navigator pilot projects to assist grandparents with grandparent visitation and to assist elderly kinship caregivers with understanding and navigating the system of services for the elderly; and (2) report annually to the legislative council and the governor on the grandparent visitation and elderly kinship care navigator pilot projects. Establishes requirements for: (1) the pilot projects; and (2) the elderly kinship care navigators. Provides that implementation of the grandparent visitation and elderly kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for the projects.

Effective: July 1, 2009.

Bartlett

January 13, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1429

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-3.1-33 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]:

4 **Chapter 33. Parent Care Tax Credit for Individuals**

5 **Sec. 1. As used in this chapter, "parent" means a father or**
6 **mother.**

7 **Sec. 2. (a) As used in this chapter, "parent care expenses" means**
8 **amounts paid by a taxpayer:**

9 (1) for:

10 (A) household services for;

11 (B) housing modifications, including making a residence
12 handicap accessible, in order to provide care for; or

13 (C) the care of;

14 a father or mother who has the same principal place of abode
15 as the taxpayer for more than fifty percent (50%) of the
16 taxable year; and

17 (2) to enable the parent to avoid long term care services being

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provided to the parent at a hospital licensed under IC 16-21 or operated under IC 16-22 or at a health facility licensed under IC 16-28.

(b) The term does not include an amount paid for services outside the taxpayer's household.

Sec. 3. As used in this chapter, "taxpayer" means an individual who is a resident taxpayer for the taxable year and includes the individual's spouse in the case of a joint return.

Sec. 4. (a) A taxpayer may claim a credit under this chapter in each taxable year equal to the least of:

- (1) the taxpayer's parent care expenses for the taxable year;
- (2) the taxpayer's adjusted gross income tax liability for the taxable year; or
- (3) five thousand dollars (\$5,000).

(b) If the taxpayer resides in Indiana for less than the taxpayer's entire taxable year, the total amount of the credit shall be reduced to an amount that bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

Sec. 5. To obtain a credit under this chapter, a taxpayer must claim the credit in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines to be necessary for the calculation of the credit provided by this chapter.

SECTION 2. IC 12-7-2-75.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 75.1. "Elderly kinship caregiver", for purposes of IC 12-10-1-7, means a person who is:

- (1) at least eighteen (18) years of age;
- (2) related to a person at least sixty-five (65) years of age by blood, adoption, or marriage; and
- (3) the primary caregiver for and provider of financial support of a person described in subdivision (2) who is residing with the person.

SECTION 3. IC 12-7-2-75.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 75.5. "Elderly kinship care navigator", for purposes of IC 12-10-1-7, means a person who assists elderly kinship caregivers with understanding and navigating the system of services for persons at least sixty-five (65) years of age in out-of-home care under the pilot projects established under IC 12-10-1-7.

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SECTION 4. IC 12-10-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The bureau shall collaborate with at least one (1) nonprofit community based agency to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of three (3) grandparent visitation and elderly kinship care navigator pilot projects to assist:

(1) grandparents with grandparent visitation under IC 31-17-5; and

(2) elderly kinship caregivers with understanding and navigating the system of services for persons at least sixty-five (65) years of age.

(b) The proposal under subsection (a) must seek to do the following:

(1) Divide the state into the following three (3) regions:

(A) Northern Indiana.

(B) Central Indiana.

(C) Southern Indiana.

(2) Establish at least one (1) grandparent visitation and elderly kinship care navigator pilot project in each region described under subdivision (1) with each project managed by a participating community based agency.

(c) A person who acts as a grandparent visitation and elderly kinship care navigator under a grandparent visitation and elderly kinship care navigator pilot project shall be required to do the following:

(1) Have an understanding of the various state agency systems serving elderly kinship caregivers.

(2) Work in partnership with local community service providers.

(3) Track trends, concerns, and other factors related to elderly kinship caregivers.

(4) Assist in establishing stable, respectful relationships among elderly kinship caregivers and bureau staff.

(5) Provide names of organizations and attorneys who may provide assistance with grandparent visitation.

(d) The implementation of the grandparent visitation and elderly kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for the pilot projects.

(e) The bureau shall report annually to the:

(1) legislative council in an electronic format under IC 5-14-6;

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1 **and**
 2 **(2) governor;**
 3 **on the implementation of the grandparent visitation and elderly**
 4 **kinship care navigator pilot projects with recommendations on**
 5 **statewide implementation of the pilot projects beginning one (1)**
 6 **year after implementation of the pilot projects.**

7 **(f) The report under subsection (e) must:**

8 **(1) provide data that demonstrate whether the grandparent**
 9 **visitation and elderly kinship care navigator pilot projects**
 10 **reduced barriers of access to services by elderly kinship**
 11 **caregivers;**

12 **(2) identify statutory and administrative barriers for elderly**
 13 **kinship caregivers;**

14 **(3) provide recommendations to reduce or eliminate the**
 15 **barriers to services without adverse consequences to persons**
 16 **at least sixty-five (65) years of age living with elderly kinship**
 17 **caregivers; and**

18 **(4) provide recommendations regarding the grandparent**
 19 **visitation statutes under IC 31-17-5.**

20 **(g) This SECTION expires January 1, 2013.**

21 **SECTION 5. [EFFECTIVE JULY 1, 2009] IC 6-3.1-33, as added**
 22 **by this act, applies only to taxable years beginning after December**
 23 **31, 2009.**

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